

WHAT IS CLAIMED IS:

1. A DNA molecule comprising a nucleic acid selected from the group consisting of a nucleic acid comprising a nucleotide sequence as set forth in SEQ ID NO:1 and a nucleic acid comprising a nucleotide sequence as set forth in SEQ ID NO:2.
- 5 2. The DNA molecule of claim 1, wherein said nucleic acid comprises a nucleotide sequence as set forth in SEQ ID NO:2.
- 10 3. A DNA molecule comprising a first nucleic acid selected from the group consisting of a nucleic acid comprising a nucleotide sequence as set forth in SEQ ID NO:1 and a nucleic acid comprising a nucleotide sequence as set forth in SEQ ID NO:2 operably linked to a second nucleic acid selected from the group consisting of a structural gene or antisense DNA
- 15 4. The DNA molecule of claim 3, wherein said first nucleic acid comprises a nucleic acid comprising a nucleotide sequence as set forth in SEQ ID NO:2.
5. The DNA molecule of claim 3, wherein said second nucleic acid is capable of conferring a selected agronomic trait to a plant.
6. The DNA molecule of claim 5 wherein said agronomic trait is herbicide resistance.
7. The DNA molecule of claim 5 wherein said agronomic trait is insect resistance.
8. The DNA molecule of claim 5 wherein said agronomic trait is disease resistance.
9. The DNA molecule of claim 5 wherein said agronomic trait is drought tolerance.
- 20 10. The DNA molecule of claim 5 wherein said agronomic trait is salt tolerance.
11. The DNA molecule of claim 5 wherein said agronomic trait is yield.

12. The DNA molecule of claim 3, wherein said second nucleic acid encodes a selectable marker.

5 13. The DNA molecule of claim 3 which further comprises a third nucleic acid selected from the group of an enhancer and an activating element, said third nucleic acid positioned upstream of said first nucleic acid.

14. A transformed plant cell comprising the DNA molecule of claim 3.

15. A transformed plant cell comprising the DNA molecule of claim 4.

16. A transformed plant cell comprising the DNA molecule of claim 5.

17. A transformed plant cell comprising the DNA molecule of claim 6.

10 18. A transformed plant cell comprising the DNA molecule of claim 7.

19. A transformed plant cell comprising the DNA molecule of claim 8.

20. A transformed plant cell comprising the DNA molecule of claim 9.

21. A transformed plant cell comprising the DNA molecule of claim 10.

22. A transformed plant cell comprising the DNA molecule of claim 11.

15 23. A transformed plant cell comprising the DNA molecule of claim 12.

24. A transformed plant cell comprising the DNA molecule of claim 13.

25. A transformed plant comprising the DNA molecule of claim 3.

26. A transformed plant comprising the DNA molecule of claim 4.

27. A transformed plant comprising the DNA molecule of claim 5.

28. A transformed plant comprising the DNA molecule of claim 6.

29. A transformed plant comprising the DNA molecule of claim 7.

30. A transformed plant comprising the DNA molecule of claim 8.

5 31. A transformed plant comprising the DNA molecule of claim 9.

32. A transformed plant comprising the DNA molecule of claim 10.

33. A transformed plant comprising the DNA molecule of claim 11.

34. A transformed plant comprising the DNA molecule of claim 12.

35. A transformed plant comprising the DNA molecule of claim 13.

10 36. A method for preparing a hybrid promoter which comprises the steps of:

(a) comparing the sequence of a promoter with known nucleic acid sequences;

(b) selecting segments of said known nucleic acid sequences similar to segments of the promoter sequence;

(c) aligning the selected segments in linear order on the basis of the promoter to derive a first hybrid promoter;

(d) constructing a first hybrid promoter; and

(e) testing the first hybrid promoter for activity.

15 37. The method of claim 36, wherein the selected segments have between 60% and 100% sequence identity with segments of the promoter.

38. The method of claim 36, which further comprises the steps of:

5 (f) modifying the sequence of the first hybrid promoter which does not have maintained or improved activity compared to the promoter to produce a second hybrid promoter; and

(g) testing the hybrid promoter for activity.

39. The method of claim 38, wherein steps (f) and (g) are repeated until a hybrid promoter is produced which has maintained or improved activity compared to the promoter.

40. The method of claim 36, wherein at least 15% of the promoter sequence has been replaced in the hybrid promoter.

10 41. The method of claim 38, wherein at least 15% of the promoter sequence has been replaced in the hybrid promoter.

42. The method of claim 39, wherein at least 15% of the promoter sequence has been replaced in the hybrid promoter.

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